S.B. CIVIL WRIT PETITION NO.7813/2007

Date of order : 26.9.2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri A.K. Pareek for the petitioners.

***

Heard learned counsel for the petitioners.

The petitioner has challenged the order annexures 7 whereby he was required to pay monthly rent @ Rs.1729/- per month for the shop in the temple. The petitioner has also challenged the order annexure 10 whereby he was required to renew his rent agreement as per the revised rates. Grievance of the petitioner is that even though the petitioner has demanded the particulars of the Standing Order of 1995 issued by the Public Works Department (PWD)

as per the rent policy of the Devasthan Department Annexure 6, according to which the rent for the commercial premises can be charged 30% of th said rates. It was aruged that the notice dated 14.12.2000 does not indicate whether the rate charged @ Rs.1729/- is charged @ 30% of the standard rent prescribed by the PWD standing order. Learned counsel for the petitioner has argued that inspite of the fact that he has submitted number of representations demanding copy of the aforesaid standing order from the respondent, but the same has not been furnished to him. In this connection, he submitted representation to the Assistant Commissioner, Devasthan Department on 15.1.2001. Yet the same has not been provided to him. Learned counsel

for the petitioner, therefore, argued that the petitioner cannot be required to pay the enhanced amount of rent.

Having heard the learned counsel for the petitioner and perused the materials on record, I find that the notice dated 14.12.2000 clearly states that the government has announced new rent policy for Devasthan Department on 6.6.2000 according to which the rent of the commercial premises has to be charged @ 30% of the rate fixed by the PWD Standing order of 1995. The petitioner has contested this matter before various authorities. If the respondent department has demanded from the petitioner the rent @ 30% of the rent fixed by the PWD whcih according to them comes to RS.1729/- the correctness of that cannot be doubted by

this court. It appears from the record that the petitioner has also obtained certain informtion from the respondent department under the Right to Information Act. If he wants to dispute the correctness of the aforesaid calculation, he can likewise obtain copy of the PWD Standing order of 1995.

In the facts of the case, while not interfering with the impugned orderse, it is left open to the petitioner to approach to the respondent department or the PWD and on that basis to point out if the calculation has not been correctly made as per the PWD standing order of 1995.

With the above observation, the writ petition stands disposed of.

(MOHAMMAD RAFIQ), J.

Skant/-